

**DECLARATION OF ERIC MEYROWITZ IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO AEREO'S SUMMARY JUDGMENT MOTION**

I, Eric Meyrowitz, hereby declare as follows:

1. I am Vice President and General Manager of WPIX, LLC ("WPIX"), successor to WPIX, Inc., a plaintiff in this action. I make this declaration based on my personal knowledge and my knowledge of the television industry, in which I have worked for 22 years. If called upon to do so, I could and would testify competently to the matters set forth herein.

2. WPIX is a television broadcast station in New York City and is currently the CW Network affiliate in the New York market. WPIX produces or licenses a wide variety of news, sports and entertainment programming (WPIX's "Content") and has been broadcasting its content to viewers in the New York area since 1948.

3. For purposes of this lawsuit, WPIX provided Aereo with advanced notices of copyright infringement for three of its live news programs and applied for copyright registrations for these three programs. The copyright applications are attached as **Exhibit A**.

4. WPIX's content is available over the airwaves on WPIX-TV (channel 11), which is owned by Tribune Broadcasting Company, LLC ("Tribune"). WPIX also makes its programming available to consumers who receive their television through paid subscriptions to cable, telco and satellite television distributors (sometimes called multichannel video programming distributors or "MVPDs"). Tribune grants MVPDs the right to retransmit WPIX's broadcast signal to subscribers (also known as "retransmission consent"). Tribune charges MVPDs license fees and/or other consideration in exchange for granting this retransmission consent. When Tribune charges retransmission consent fees to an MVPD, those fees generally are calculated based on the number of an MVPD's paying subscribers who receive WPIX as part of their programming package.

5. WPIX also makes its live news programs, as well as individual news stories, available to consumers on its website, www.pix11.com, on a streaming basis. WPIX collects revenues from advertising on the website.

6. WPIX has never authorized Aereo to copy, retransmit, or otherwise exploit its content in any way whatsoever. WPIX has never, and would never, license a third party the right to copy the WPIX Content in aid of an unlicensed, unauthorized service that streams WPIX over the Internet.

I declare under penalty of perjury under the laws of New York and the United States that the foregoing is true and correct.

Executed this 5 day of June, 2013 at New York, New York.


Eric Meyrowitz

Exhibit A

Illustrative Copyright Registrations

No.	Program Title	Broadcast Date	Copyright Owner	Registration	Broadcast Station
1.	PIX News at 4AM	03/14/12	WPIX, Inc.	Pending	WPIX
2.	PIX News at 4AM	03/15/12	WPIX, Inc.	Pending	WPIX
3.	PIX News at 4AM	03/16/12	WPIX, Inc.	Pending	WPIX
4.	PIX News at 5	03/14/12	WPIX, Inc.	Pending	WPIX
5.	PIX News at 5	03/15/12	WPIX, Inc.	Pending	WPIX
6.	PIX News at 5	03/16/12	WPIX, Inc.	Pending	WPIX
7.	PIX News at 10	03/14/12	WPIX, Inc.	Pending	WPIX
8.	PIX News at 10	03/15/12	WPIX, Inc.	Pending	WPIX
9.	PIX News at 10	03/16/12	WPIX, Inc.	Pending	WPIX

Copyright Office fees are subject to change. For current fees, check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000.

Privacy Act Notice: Sections 408-410 of title 17 of the United States Code authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for copyright registration. By providing this information you are agreeing to routine uses of the information that include publication to give legal notice of your copyright claim as required by 17 U.S.C. §705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

Form PA
For a Work of Performing Arts
UNITED STATES COPYRIGHT OFFICE
REGISTRATION NUMBER

PA PAU
EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK ▼

PIX 11 NEWS AT 4AM

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF THIS WORK ▼ See instructions

Motion Picture

2

NAME OF AUTHOR ▼

a WPIX, Inc.

Was this contribution to the work a "work made for hire"? ☒ Yes ☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

Citizen of

OR Domiciled in

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

b

Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

Citizen of

OR Domiciled in

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

News program

NAME OF AUTHOR ▼

c

Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

Citizen of

OR Domiciled in

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

3

YEAR IN WHICH CREATION OF THIS

a

WORK WAS COMPLETED

2012

Year

This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information

Month

Day

Year

ONLY if this work has been published.

Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

WPIX, Inc.

220 East 42nd Street, 10th Floor

New York, NY 10017

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

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Page 1 of _____ pages

WPIX000008200

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CORRESPONDENCE <input type="checkbox"/> Yes	FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼ If your answer is No, do not check box A, B, or C.a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.
Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

a 6

See instructions
before completing
this space.**Material Added to This Work** Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name ▼ Account Number ▼

Tribune Company

81493

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼

b

Charles J. Sennet
Tribune Company
435 North Michigan Ave., 6th Floor, Chicago, IL 60611

Area code and daytime telephone number

(312) 222-4121

Fax number

(312) 222-4206

Email

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one ▶

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of WPIX, Inc.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Charles J. Sennet

Date April 3, 2012

Handwritten signature (X) ▼

Certificate
will be
mailed in
window
envelope
to this
address:

Name ▼

Charles J. Sennet, Tribune Company

Number/Street/Apt ▼

435 N. Michigan Ave., 6th Floor

City/State/Zip
Chicago, IL 60611

YOU MUST

• Complete all necessary spaces
• Sign your application in space 8SEND ALL DOCUMENTS
TO THE COPYRIGHT OFFICE1. Application form
2. Nonrefundable filing fee in check or money order payable to Registrar of Copyrights
3. Copyright materialLibrary of Congress
Copyright Office-PAD
101 Independence Avenue SE
Washington, DC 20540-6230

9

*17 U.S.C. §506(e) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

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U.S. Government Printing Office 2010-357-893/80.085

WPIX000008201

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Form PA
For a Work of Performing Arts
UNITED STATES COPYRIGHT OFFICE
REGISTRATION NUMBER

PA PAA
EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 TITLE OF THIS WORK ▼
PIX 11 NEWS AT 5PM

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF THIS WORK ▼ See instructions

Motion Picture

2 a NAME OF AUTHOR ▼
WPIX, Inc.

Was this contribution to the work a "work made for hire"?
☒ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR { Citizen of

Domiciled in

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

b NAME OF AUTHOR ▼

Was this contribution to the work a "work made for hire"?
☐ Yes
☒ No

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Name of Country

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Domiciled in

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News program

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☒ No

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Name of Country

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Year Born ▼ Year Died ▼

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3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
2012 Year

This information must be given in all cases.

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month Day Year Nation

4 COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

WPIX, Inc.
220 East 42nd Street, 10th Floor
New York, NY 10017

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

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• Sign the form at line 8.

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Page 1 of _____ pages

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

See instructions before completing this space.

EXAMINED BY	FORM PA
CHECKED BY	
CORRESPONDENCE	FOR COPYRIGHT OFFICE USE ONLY
Yes	

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ☐ If your answer is No, do not check box A, B, or C.a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

5

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b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name ▼ Account Number ▼

Tribune Company

81493

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼Charles J. Sennet
Tribune Company
435 North Michigan Ave., 6th Floor, Chicago, IL 60611

Area code and daytime telephone number

(312) 222-4121

Fax number

(312) 222-4206

Email

b

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one ▶

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of WPIX, Inc.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Charles J. Sennet

Date April 10, 2012

Handwritten signature (s) ▼

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envelope
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Name ▼

Charles J. Sennet, Tribune Company

Number/Street/Apt ▼

435 N. Michigan Ave., 6th Floor

City/State/Zip ▼

Chicago, IL 60611

• Complete all necessary spaces
• Sign your application in space 8

1. Application form

2. Nonrefundable filing fee in check or money order payable to Register of Copyrights

3. Deposit material

4. Deposit material

Library of Congress

Copyright Office-PAD

101 Independence Avenue SE

Washington, DC 20540-4230

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*17 U.S.C. §508(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

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Form PA
For a Work of Performing Arts
UNITED STATES COPYRIGHT OFFICE
REGISTRATION NUMBER

PA PAU
EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK ▼

PIX 11 NEWS AT TEN

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF THIS WORK ▼ See instructions

Motion Picture

2

NAME OF AUTHOR ▼

WPIX, Inc.

Was this contribution to the work a "work made for hire"? ☒ Yes ☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of

OR Domiciled in

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

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News program

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3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2012

This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month

Day

Year

Nation

4

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WPIX, Inc.

220 East 42nd Street, 10th Floor

New York, NY 10017

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

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WPIX000008196

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CORRESPONDENCE

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COPYRIGHT
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DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) If your answer is No, do not check box A, B, or C.a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

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Year of Registration ▼

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a 6

See instructions
before completing
this space.

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account. Name ▼ Account Number ▼

a 7

Tribune Company

81493

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼

b

Charles J. Sennet
Tribune Company
435 North Michigan Ave., 6th Floor, Chicago, IL 60611

Area code and daytime telephone number (312) 222-4121

Fax number (312) 222-4206

Email

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one ▶

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☐ authorized agent of WPIX, Inc.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Charles J. Sennet

Date April 24, 2012

Handwritten signature ▼

Certificate
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address:

Name ▼

Charles J. Sennet, Tribune Company

Number/Street/Apt ▼

435 N. Michigan Ave., 6th Floor

Chicago, IL 60611

1. Complete all necessary notices.
2. Sign your application in space 6.

3. Payment of fee.

4. Application form.

5. Nonreturnable filing fee in check or money order payable to Registrar of Copyrights.

6. Prepaid material.

7. Library of Congress.

Copyright Office-PAD

101 Independence Avenue SE

Washington, DC 20540-4202

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